

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-376-T - ORDER NO. 2000-024
JANUARY 5, 2000

IN RE: Staff's Proposal of Definition of Shipper) ORDER CLARIFYING
Witnesses.) APPLICATION OF
) WAIVER

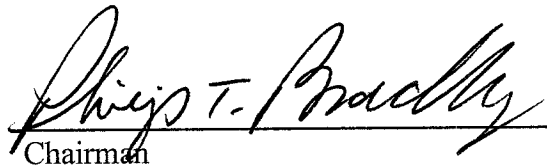
This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of the Commission Staff for clarification of our waiver of the "shipper witness rule" (Regulation 103-133(1)) granted by us in Order No. 1999-654. In that Order, we granted a waiver of the rule in the situation where an Applicant for Class E household goods authority wished to limit the scope of authority to three (3) counties or fewer in South Carolina. We reasoned that strict compliance with the "shipper witness regulation" produces unusual difficulty for smaller carriers who request a limited scope of authority. We also held that holding these carriers to strict compliance with this regulation is simply not in the public interest.

Since the issuance of that Order dated September 15, 1999, the question has arisen as to whether we intended the waiver to apply to those requesting authority for three contiguous counties in South Carolina, or whether the waiver could apply to those Applicants requesting authority for any three counties in South Carolina, contiguous or not. Clearly, our intent was and still is, to grant waiver of the shipper witness rule only when an Applicant is requesting authority to transport household goods between points

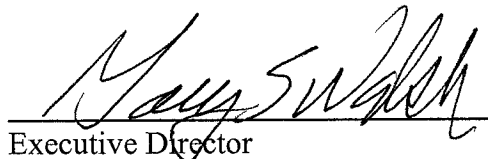
and places in three contiguous counties in South Carolina. We believe that this interpretation is consistent with our intent to grant the waiver only to smaller carriers. We think that smaller carriers would be more likely to carry household goods between points and places in three contiguous counties, rather than in three counties throughout the State of South Carolina. If a carrier is equipped to transport household goods in three non-contiguous counties, then we do not believe that he is a “smaller carrier” who would be entitled to the waiver of the “shipper witness regulation.” We hold that a carrier may certainly apply for household goods in three non-contiguous counties, but the “shipper witness rule” is applicable in full in such a circumstance.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)